



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 427-00

27 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 20 June 1985 for two years as a CTI3 (E-4). At the time of your reenlistment, you had completed nearly eight years of prior active service.

The record reflects that you served without incident until 19 March 1986 when you received nonjudicial punishment (NJP) for insubordination to a petty officer and failure to go to your appointed place of duty. Punishment imposed was a reduction in rate to CTISN (E-3). You received a second NJP on 9 February 1987 for a nine day period of unauthorized absence (UA). Punishment imposed was a reduction in rate to SA (E-2), a forfeiture of \$100, seven days of restriction and extra duty and an admonition.

On 3 April 1987 you were honorably discharged by reason of "Early Separation Under an Authorized Program or Circumstance" and assigned an RE-4 reenlistment code.

In its review of your application, the Board conducted a careful search for any mitigating factors which might warrant changing your RE-4 reenlistment code. However, other than your prior honorable service, no justification could be found. The Board noted the statement in support of your application explaining the circumstances which led to the two NJPs. However, the Board has no way of verifying your contentions at this late date since the evidence that was considered in both cases no longer exists. The Board noted regulations require the assignment of an RE-4 reenlistment code to individuals who are discharged in pay grades E-1 or E-2. Reenlistment is not authorized for individuals in those pay grades. Since it appears that you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director